

Capacity to stand trial

In order to stand trial, the accused should be:

- Able to describe his behaviour and whereabouts at the time of the alleged offence.
- Understands what happens in the courtroom and understands the role of the courtroom personnel.
- Able to distinguish between various pleas.
- Have understanding of the range and nature of possible verdicts.
- Be able to instruct his solicitor.

How to assess?

1. Ask about the offence. Who was involved? Was anyone injured? Had you been drinking or were you under the influence of a substance at the time? Why do you think you have been arrested?
2. Have you ever been in a court? What do you know about court proceedings? Source of information?
3. Do you know the role of the judge?
4. Do you have a solicitor? If not, do you know that one can be appointed?
5. Do you know what a solicitor does?
6. Do you intend to plead guilty or not guilty? Why? Do you know how this will affect you?